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SUBJECT: MFA CONCERNED ABOUT U.S. EMBASSY'S SECURITY,
NIGERIAN CITIZENS' DETENTIONS

Classified By: Ambassador John Campbell for Reasons 1.5 (B & D).

1. (C) MFA Undersecretary for Protocol Abdulwahab called in the Ambassador November 7 to discuss several issues. Amb. Abdulwahab started by expressing condolences for the attack on ConGen Jeddah, and asking detailed questions on whether we were comfortable with GON security measures to protect Embassy Abuja. Ambassador responded that in general we were making progress, and noted various specific efforts the Nigeria Police Force (NPF) was making on our behalf. Amb. Abdulwahab said the NPF will be setting up a Police Protection Unit (PPU) to further enhance diplomatic security, and offered to arrange a meeting for the Ambassador with Nigeria's Inspector General of the NPF and the Commissioner for police in Abuja.

2. (C) Amb. Abdulwahab also explained that the MFA is undergoing a re-organization of all units under four Undersecretaries. The present Undersecretary for Regions (the MFA's version of P in the Department) will absorb all of the regional and multinational policy units other than African Affairs, which will be a separate Undersecretary. There will be a third Undersecretary for Management, and Protocol will be the fourth -- Amb. Abdulwahab himself -- with responsibility for everything not under the others. Amb. Abdulwahab will have a grab bag of responsibilities under the new system, including protocol, legal, consular, culture and sports, and public diplomacy.

3. (C) Getting these and several other minor issues out of the way that he termed "positive," Amb. Abdulwahab raised two he termed "difficult:" what he described as the deportation of 324 Nigerian citizens this year in two batches under strengthened immigration implementation in the U.S., and the detention of 244 Nigerians at present in the U.S. for immigration and other violations. Abdulwahab expressed understanding that immigration rules and enforcement had to be tightened in the U.S. after September 11, but asked that the USG differentiate between ignorance of new immigration procedures and other violations of the law. People who made innocent mistakes through not knowing the new system, Abdulwahab contended, should be instructed and relieved, and certainly those deported for overstaying or not checking in with DHS out of ignorance of the new rules should not be barred from future visas for that alone. Abdulwahab asked specifically that the USG:

-- Quickly review cases of those 244 detained; and

-- Set up collaboration between the Embassy and GON to resolve future applications of those deported out of ignorance of the new system. Abdulwahab said Consular Director Shadipo would represent the MFA in such contacts.

4. (C) Ambassador responded that September 11, and incidents like the attack on ConGen Jeddah, certainly had raised our concern and effort on enforcement of security laws. Immigration law was no exception, indeed it was a focal point for Americans in general and the Administration and Congress in particular. Ambassador noted that laws must be enforced and the new procedures rigorously implemented, but agreed to forward the GON's concerns to the Department.

5. (C) Amb. Abdulwahab questioned whether the "APPLICATION RECEIVED" stamp, placed in passports when U.S. visas had been refused, was allowable under international law. Passports are the property of the governments that issued them, as he claimed was noted in both U.S. and Nigerian passports, and such a refusal stamp was defacing the other government's property. Ambassador said he would check whether such stamps were required by U.S. law or regulations. (Note: We have since reconfirmed that this is required by regulation. End Note.)

6. (C) Amb. Abdulwahab also asked for USG assistance in what he termed the repatriation of 3-4 billion USD from the U.S. of illicit proceeds from corruption in Nigeria. (Note: The reference was to what is commonly referred to in Nigeria as the "Abacha loot," although the amount may be only a guess and the definition of "Abacha loot" less than concrete. End Note.) Ambassador noted that there are existing legal channels, which basically require a specific GON request for

return of a specific sum from a specific account -- usually on the basis of a specific finding from a court that the funds were illicit. Ambassador also indicated an interest in exploring how to work together to detect such illicitly acquired proceeds of corruption (per the Sea Island Compact signed by Presidents Bush and Obasanjo). Amb. Abdulwahab said the natural GON interlocutor would be the Economic and Financial Crimes Commission (EFCC), and Ambassador expressed a willingness to meet with the head of the EFCC in the future.

CAMPBELL